

### **REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated October 3, 2005.

The Examiner objected to the specification at p. 8 line 4, requiring that the term “112a-112d” be replaced with “112A-112D.” The specification has been amended as required.

The Examiner objected to dependent claim 3, requiring that the term “said first and second platen” be replaced with “said first platen and said second platen.” Claim 3 has been amended as required.

The Examiner rejected claims 1 and 10 under 35 U.S.C. § 101 as claiming the same invention as claim 1 of prior U.S. Patent No. 6,777,964. The Examiner’s rejection is improper because claim 1 of the cited reference includes the limitation of “said first platen positioned above said device under test and said second platen positioned *below* said device under test” (emphasis added) which is materially different than the limitation, included in each of claims 1 and 10 of “said first platen positioned above said device under test and said second platen positioned *above* said device under test” (emphasis added). Enclosed is a terminal disclaimer that preempts any non-statutory, obviousness-type double patenting rejection.

The Examiner rejected claims 1-7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Kaplan et al., U.S. Patent No. 6,096,567. The Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Fujuhara et al., U.S. Patent No. 5,410,259. Independent claim 1, as amended and from which each of dependent claims 2-9 depend, includes the limitation of “a second platen supporting an optical probe capable of testing optical components on said device under test.” Neither of the cited references disclose an optical probe as claimed. The Examiner points to the disclosure, in each cited reference, of a second platen that supports a camera. Neither of the disclosed cameras are “capable of testing optical components on said device under test. Instead, the disclosed cameras are merely used to align the wafer with probe instruments. See, e.g. Kaplan et al. at col. 5 lines 44-47; Fujuhara et al. at col. 4 lines 32-35. Therefore, claim

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1, as amended, as well as dependent claims 2-10, each patentably distinguish over the cited art and the Examiner's rejection of these claims should be withdrawn.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-10.

Respectfully submitted,



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